

31A-23a-115 Appointment of individual and agency insurance producer, limited line producer, or managing general agent -- Reports and lists.

- (1)
 - (a) An insurer shall appoint an individual or agency with whom it has a contract as an insurance producer, limited line producer, or managing general agent to act on the insurer's behalf in order for the licensee to do business for the insurer in this state.
 - (b) An insurer shall report to the commissioner, at intervals and in the form the commissioner establishes by rule:
 - (i) a new appointment; and
 - (ii) a termination of appointment.
- (2)
 - (a)
 - (i) An insurer shall report to the commissioner the cause of termination of an appointment if:
 - (A) the reason for termination is a reason described in Subsection 31A-23a-111(5)(b); or
 - (B) the insurer has knowledge that the individual or agency licensee is found to have engaged in an activity described in Subsection 31A-23a-111(5)(b) by:
 - (I) a court;
 - (II) a government body; or
 - (III) a self-regulatory organization, which the commissioner may define by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (ii) The information provided to the commissioner under this Subsection (2) is a private record under Title 63G, Chapter 2, Government Records Access and Management Act.
 - (b) An insurer is immune from civil action, civil penalty, or damages if the insurer complies in good faith with this Subsection (2) in reporting to the commissioner the cause of termination of an appointment.
 - (c) Notwithstanding any other provision in this section, an insurer is not immune from any action or resulting penalty imposed on the reporting insurer as a result of proceedings brought by or on behalf of the department if the action is based on evidence other than the report submitted in compliance with this Subsection (2).
- (3) If an insurer appoints an agency, the insurer need not appoint, report, or pay appointment reporting fees for an individual designated on the agency's license under Section 31A-23a-302.
- (4) If an insurer lists a licensee in a report submitted under Subsection (2), there is a rebuttable presumption that in placing a risk with the insurer the appointed licensee or any of the licensee's licensed employees act on behalf of the insurer.

Amended by Chapter 349, 2009 General Session